

AACL

Australian Association of Constitutional Law

NSW PROGRAM OF EVENTS — 2015

Thursday, 12 February 2015

LORD BRYCE AND THE AUSTRALIAN CONSTITUTION

The Sir Anthony Mason Lecture in Constitutional Law (2015), delivered by **The Hon Justice Stephen J Gageler** (High Court of Australia). This is a joint event organised by the University of Sydney and AACL.

Chair: **Professor Peter Gerangelos** (University of Sydney)

Banco Court, Level 13, New South Wales Supreme Court, 6:00-7.30 pm

Tuesday, 12 May 2015

INDIGENOUS CONSTITUTIONAL RECOGNITION

Paper presented by **Professor Anne Twomey** (Sydney Law School) entitled: *Indigenous Constitutional Recognition — The Constitutional Challenges Underlying the Development of Referendum Proposals*.

While the public debate on the constitutional recognition of Aboriginal and Torres Strait Islander peoples has largely raised issues of politics, history and morality, there are also complex constitutional problems that need to be dealt with before the form of a referendum proposal is decided upon. This talk will canvas those constitutional issues including constraints on powers so that they are not used oppressively and how constitutional provisions are intended to connect with and affect each other. It will also address alternative proposals, including the use of a purposive power and a right to consultation.

Commentator: **The Honourable Justice John Griffiths** (Federal Court of Australia)

Chair: **The Honourable Justice John Basten** (NSW Court of Appeal)

Federal Court, Queens Square, Sydney, Court 18B, 5:30–7:00 pm

NSW Convenor: tel (02) 9223 0185 • fax (02) 9221 3788 • DX Sydney 328 • mantziaris@stjames.net.au • Sixth Floor St James Hall, 169 Phillip Street, Sydney, NSW 2000.

National Secretariat: c/o Jean Goh • tel (03) 8344 1011 • fax (03) 8344 1013 • law-cccs@unimelb.edu.au • Melbourne Law School, 185 Pelham Street, University of Melbourne, Vic 3010.

Tuesday, 8 September 2015

IMPLIED FREEDOM OF POLITICAL COMMUNICATION

Paper presented by **Associate Professor James Stellios** (Australian National University and St James Hall Chambers) entitled '*The Second Limb of Lange: the Continuing Uncertainties with the Implied Freedom of Political Communication*'.

Over the last few years, the High Court has handed down a number of decisions on the implied freedom of political communication. This paper will consider four areas of continuing uncertainty with the application of the second limb of the *Lange* test: (i) the interpretive method adopted for revealing the legislative purpose; (ii) the methodology for identifying whether an end is legitimate; (iii) the structure of the test to be applied in determining whether the law is reasonably appropriate and adapted to a legitimate end; and (iv) the approach to take where burdens arise from an exercise of statutory discretion.

Commentators: **Jeremy Kirk SC** (Wentworth Chambers)
Kristen Walker QC (Owen Dixon West Chambers)

Chairperson: **Michael Sexton SC** (Solicitor General for New South Wales)

Federal Court, Queens Square, Sydney, Court 18B, 5:30–7:00 pm

Monday, 19 October 2015

JUDICIAL APPOINTMENT REFORM

Paper presented by **Professor Andrew Lynch** (University of NSW) entitled '*Judicial Appointments Reform – Why and How?*'

After modest changes at the Commonwealth level instigated by Attorney-General Robert McClelland but since discontinued by the Coalition, and recent political controversies in Queensland and the Northern Territory, it is timely to investigate the current status of judicial appointments reform in Australia.

This paper examines how these experiences might influence, positively or negatively, the design of an appointments model. In particular, it asks how much power it is desirable for the executive to cede over appointments — and to whom. The experience of the 2005 reforms in the United Kingdom cautions against the assumption that a more transparent and depoliticised process necessarily delivers better outcomes. This is particularly so in respect of the goal of increasing judicial diversity.

Commentators: **The Honourable Justice Julie Ward** (NSW Court of Appeal)
Mr Philip Selth OAM (Executive Director, NSW Bar Association)
Professor Gary Edmond (University of NSW)

Chair: **TBC**

Federal Court, Queens Square, Sydney, Court 18D, 5:30–7:00 pm

Thursday, 10 December 2015

COMPARATIVE CONSTITUTIONAL LAW – FINAL COURTS ROUND–UP 2015

This annual seminar will provide an outline of recent constitutional developments in several overseas jurisdictions that are of key interest to Australian constitutional lawyers. Experts from each jurisdiction will report on three of four major constitutional cases argued or decided over the last year; changes in the composition and politics of each country's highest court; and flag the state of debate over constitutional reform. Together, the panellists will also discuss the potential relevance of these comparative developments for current issues in Australian constitutional law.

Speakers: **Dr Jason Varuhas** (UNSW): UK and New Zealand
Associate Professor Mila Versteeg (University of Virginia): European Union
Professor Jacob Gersen (Harvard University): USA

Chair: **Professor Rosalind Dixon** (University of New South Wales)

This is a joint event organised by the Gilbert+Tobin Centre of Public Law (UNSW) and AACL.

Federal Court, Queens Square, Sydney, Court 18B, 5:30–7:00 pm

MEMBERSHIP OF AACL

I invite you to become a member of AACL. The association was formed in 1998 as a forum for scholars and practitioners of constitutional law throughout Australia. It now has some 600 members throughout Australia and over 200 members in Sydney alone. More information on AACL may be found at www.aacl.asn.au

Why you should become a member

AACL seminars are mostly restricted to members of AACL. Copies of papers are distributed to members in advance of the seminar by email. Members also receive other benefits such as newsletters and updates on constitutional law developments and events throughout the year.

Eligibility

A person may become an ordinary member by applying for membership and paying the annual subscription. The annual subscription is **\$70.00** (concession \$50.00). The membership year runs from July to June of each year. Membership is open to a person who is:

- A judge, legal practitioner or government legal officer.
- A current or former teacher of constitutional law or scholars engaged in research in the field of constitutional law or a related discipline.
- A member of an association which is a member of the International Association of Constitutional Law or similar foreign associations as approved by the Council.
- Someone who is adjudged by the Council as having a sufficient interest, whether by reason of practical experience or occupation, in the field of constitutional law.
- A law student with written approval from a teacher of constitutional law.

Application form and nomination

Under the current rules of the Association, an application for membership must be nominated and seconded by existing members. If you would like to join AACL, please:

1. **Fill out the form on the next page:** Send the form to the NSW Convenor (Christos Mantziaris). The Convenor will take care of nomination, seconding and placement on the AACL NSW email list. The form will then be forwarded to the National Secretariat.

AND

2. **Pay the membership fee:** Make an online payment for membership at <http://www.aacl.asn.au/> (or follow the instructions to send a cheque to the National Secretariat). *Please do not send any cheques or cash to the NSW Convenor.*

New members who join in the period February to June 2015 will be credited with membership for the 2015/2016 financial year.

Enquiries regarding membership and interstate activities

Please direct all enquiries regarding membership or interstate activities to the Administrator of AACL: tel **03 8344 1011** or law-cccs@unimelb.edu.au

16 August 2015



Dr Christos Mantziaris
Convenor, NSW Chapter of AACL
St James Hall Chambers

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AUSTRALIAN ASSOCIATION OF CONSTITUTIONAL LAW

ABN 11 717 363 928

MEMBERSHIP APPLICATION FORM

Surname			
Name			
Title			
Position			
Institution			
Address			
State		Postcode	
Phone	[]		
Email address (obligatory)	<p>[Listing of a permanent 'personal' email address rather than a 'work' email address is preferred. This might avoid more frequent, work-related email address changes]</p>		

I hereby apply for Membership of the *Australian Association of Constitutional Law*

..... (signature) (date)

Proposed by*: (signature)

Seconded by*: (signature)

* At the applicant's request, these fields may be completed by the NSW Convenor and another current AACL member.

PAYMENT

Please make your membership fee payment online, at the website of the Australian Association of Constitutional Law: <http://www.aacl.asn.au/membership/>.

If you intend to attend AACL events in Sydney, please forward the form for nomination, seconding and processing to: Dr Christos Mantziaris (NSW Convenor of AACL), 6th Floor St James Hall, 169 Phillip Street, Sydney NSW 2000 (DX 328 Sydney) or simply scan/email to: mantziaris@stjames.net.au